

## **REMARKS**

Claims 1-21 are pending in the present application. The Applicant respectfully requests entry of the claim amendments detailed above and consideration of the pending claims.

Claims 1-20 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,447,453 ("Roundhill"). Regarding anticipation, MPEP 2131 states, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). MPEP 2131 also states, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Independent claims 1 and 13 both recite that values are preset in an analytical instrument using the clinically relevant information extracted from the clinically-relevant location. Nowhere does Roundhill disclose this element.

In rejecting original claims 8-10<sup>1</sup>, the Examiner cited col. 9, line 62 – col. 10, line 51 of Roundhill. The Applicant recognizes that Doppler imaging is discussed and that M-mode is mentioned in this passage. However, there is no mention of "presetting values in an analytical instrument using said clinically relevant information." The Applicant respectfully submits that Roundhill does not explicitly or inherently disclose the use of clinically relevant information in the same manner as claimed – for presetting values in an analytical instrument. Thus, Roundhill does not properly anticipate claims 1 and 13.

The Applicant respectfully submits that the independent claims 1 and 13 and the claims depending therefrom are in condition for allowance at least because the cited reference fails to disclose each and every element as set forth in the claims.

---

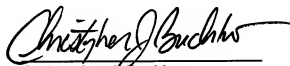
<sup>1</sup> These claims are currently amended. The original claims included "presetting."

In general, the Office Action makes various statements regarding claims 1-21 and the cited references that are now moot in light of the above. Thus, Applicants will not address such statements at the present time. However, Applicants expressly reserve the right to challenge such statements in the future should the need arise (e.g., if such statements should become relevant by appearing in a rejection of any current or future claim).

If the Examiner has any questions or the Applicant can be of any assistance, the Examiner is invited and encouraged to contact the Applicant at the number below.

The Commissioner is authorized to charge any necessary fees or credit any overpayment to the USPTO Deposit Account GTC, Account No. 07-0845.

Respectfully submitted,

A handwritten signature in black ink, reading "Christopher J. Buchko", written over a horizontal line.

Christopher J. Buchko  
Registration No. 52,668  
Attorney for Applicant

Date: December 19, 2007

McAndrews, Held & Malloy, Ltd.  
500 West Madison Street, 34th Floor  
Chicago, Illinois 60661  
Telephone: (312) 775-8000  
Facsimile: (312) 775-8100